

In the Matter of)
)
CONRAD ORANGE SHIPYARD, INC.)
)
Licensee of Marine Utility Station WQPU707)

Released: September 15, 2014

3. *Discussion.* Based on the information before us, we conclude that the Conrad application should not have been granted to the extent that it requested VPC frequencies. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁴ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁵ In this connection, we note that a proposed modification under the circumstances presented would promote the public interest, convenience, and necessity because the subject channels were not available for assignment to Conrad when the application was granted because they were already assigned in that region to MariTEL Mississippi River, Inc.⁶ Further, we believe that such action would not unduly disrupt Conrad's current operations, because other frequencies also are assigned to Station WQPU707. Thus, we believe that a modification of the Conrad license to delete the subject frequencies without authorizing replacement frequencies is appropriate under the circumstances presented.

⁶ See license for Station WPOJ535.

4. Consequently, we propose to modify Conrad's license for Station WQPU707 to remove the frequencies 157.350 MHz and 161.950 MHz. In accordance with Section 1.87(a) of the Commission's Rules,⁷ we will not issue a modification order until Conrad has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Conrad must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.⁸ If no protest is filed, Conrad will have waived its right to protest the modification and will be deemed to have consented to the modification.

5. *Conclusion and Ordering Clauses.* For the reasons stated above, we conclude that the grant of a license for Station WPQU707 was defective to the extent that it included authorization to use VPC frequencies. Accordingly, we propose to modify Conrad's license for Station WPQU707 to delete all operational authority for frequencies 157.350 MHz and 161.950 MHz.

6. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Marine Utility Station WPQU707, held by Conrad Orange Shipyard, Inc. BE MODIFIED by deleting frequencies 157.350 MHz and 161.950 MHz.

7. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Conrad Orange Shipyard, Inc., 710 Market Street, Orange, TX 77630 ATTN Eric Bland.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁷ 47 C.F.R. § 1.87(a).

⁸ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, Priority Mail, and hand-delivered or messenger-delivered documents. Documents sent by commercial overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743.